Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Addendum

III. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

C. Protocol against the Smuggling of Migrants by Land, Sea and Air

1. At its 5th and 6th meetings, on 17 October 2018, the Conference considered agenda item 2 (c), entitled "Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Smuggling of Migrants by Land, Sea and Air". For its consideration of the item, the Conference had before it the following documents:

(a) Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2018/3);

(b) Note by the Secretariat on the reports on the meeting of the Working Group on the Smuggling of Migrants held in Vienna from 11 to 13 September 2017 and on 4 and 5 July 2018 (CTOC/COP/2018/6).

2. A representative of the Secretariat made an introductory statement. A statement was also made by the Chair of the Working Group on the Smuggling of Migrants at its fourth and fifth meetings.

3. Statements were made by the representatives of the European Union (also on behalf of its Member States), Brazil, Indonesia, Algeria, the United States, Mexico, Argentina and Egypt.

4. A statement was also made by the observer for Thailand, a State signatory of the Protocol against the Smuggling of Migrants by Land, Sea and Air.

Deliberations

5. The Chair of the Working Group on the Smuggling of Migrants at its fourth and fifth meetings, which were held in Vienna from 11 to 13 September 2017 and on 4 and 5 July 2018, referred to the reports on those two meetings

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(CTOC/COP/WG.7/2017/5 and CTOC/COP/WG.7/2018/3) and the recommendations adopted by the Working Group, which related to the use of the Organized Crime Convention to address challenges relating to the smuggling of migrants, the "financial or other material benefit" aspect of the definition of smuggling of migrants, and criminal justice responses in investigations and prosecutions of perpetrators of smuggling of migrants operations. He added that the Working Group had finalized the questionnaire to review the implementation of the Smuggling of Migrants Protocol and had also recommended its adoption by the Conference.

6. Several speakers encouraged the ratification and full implementation of the Organized Crime Convention and the Smuggling of Migrants Protocol and stressed that those instruments were essential for tackling the challenges posed by those crimes.

7. Many speakers stated that the Smuggling of Migrants Protocol was a key tool for carrying out international cooperation and encouraged the strengthening of international and regional collaboration, including the sharing of trends, challenges and best practices among States. Several speakers highlighted that partnerships with civil society were of particular importance to counter the smuggling of migrants.

8. Several speakers highlighted the need to protect smuggled migrants, including by identifying those in need of protection and assistance at points of arrival. One speaker noted the risks that migrants were subjected to by smuggling networks and underlined the relevance of awareness-raising campaigns and the role of the media in disseminating information about those risks. Another speaker called on States to adopt measures to protect whistle-blowers, witnesses and informers to end the impunity of migrant smugglers.

9. Several speakers stated that there was a need to comprehensively address the linkages between the smuggling of migrants and other forms of crime, including corruption, money-laundering and terrorism, as well as the need to recover the proceeds of those crimes. Several speakers welcomed the efforts of UNODC to strengthen the capacities of criminal justice practitioners in that regard and encouraged further support for related activities carried out by UNODC.

10. Several speakers encouraged the use of human rights-based and gender-sensitive approaches in responding to the smuggling of migrants and expressed their commitment to upholding the human rights and dignity of all smuggled migrants. Several speakers also highlighted the need to analyse and address the underlying drivers that created a demand for the smuggling of migrants.